

### Remarks

The September 22, 2008 Official Action has been carefully reviewed. In view of the amendments submitted herewith and the following remarks, favorable reconsideration and allowance of this application are respectfully requested.

At the outset, it is noted that a shortened statutory response period of three (3) months was set in the September 22, 2008 Official Action. Therefore, the initial due date for response is December 22, 2008.

Claims 58 and 75 have been objected to for referring to Figure 1. Applicants have amended the claims to remove the references to Figure 1, thereby overcoming the instant objection.

Claims 58-73 and 75 have been rejected for allegedly failing to satisfy the written description requirement of 35 U.S.C. §112, first paragraph.

Lastly, the Examiner has rejected claims 58-73 and 75 under 35 U.S.C. §112, second paragraph for alleged indefiniteness.

The foregoing objection and rejections constitute all of the grounds set forth in the September 22, 2008 Official Action for refusing the present application.

No new matter has been introduced into this application by reason of any of the amendments presented herewith.

In view of the present amendment and the reasons set forth in this response, Applicants respectfully submit that the objection to claims 58 and 75; the 35 U.S.C. §112, first paragraph rejection of claims 58-73 and 75; and the 35 U.S.C. §112, second paragraph rejection of claims 58-73 and 75, as set forth in the September 22, 2008 Official Action, cannot be maintained. These grounds of objection and rejection are, therefore, respectfully traversed.

**CLAIMS 58-73 AND 75, AS AMENDED, SATISFY THE WRITTEN  
DESCRIPTION REQUIREMENT OF 35 U.S.C. §112, FIRST PARAGRAPH**

Claims 58-73 and 75 have been rejected for allegedly failing to satisfy the written description requirement of 35 U.S.C. §112, first paragraph. It is the Examiner's position that the application allegedly does not fully describe analogs which differ from the natural compound "in the oxidation state of one or more of the ketide units (i.e., selection of alternatives from the group: -CO-, -CH(OH)-, =CH-, and -CH<sub>2</sub>-)." The Examiner alleges that a skilled artisan would not know how to make these analogs.

Applicants respectfully disagree with the Examiner's position. However, in the sole interest of expediting prosecution of the instant application, Applicants have removed the phrase "analogues differing from the corresponding "natural" compound in the oxidation state of one or more of the ketide units (i.e. selection of alternatives from the group: -CO-, -CH(OH)-, =CH-, and -CH<sub>2</sub>-)" from claims 59 and 75 and the phrase "analogues differing from the corresponding natural compound in the oxidation state of one or more of the ketide units" from claims 58 and 75. In view of these amendments, Applicants submit that the instant rejection cannot be reasonably maintained. Withdrawal of the instant rejection is respectfully requested.

**CLAIMS 58-73 AND 75, AS AMENDED, SATISFY THE DEFINITENESS  
REQUIREMENT OF 35 U.S.C. §112, SECOND PARAGRAPH**

The Examiner has rejected claims 58-73 and 75 under 35 U.S.C. §112, second paragraph for alleged indefiniteness. The Examiner contends that the metes and bounds of the phrase "(i.e. selection of alternatives from the group: -CO-, -CH(OH)-, =CH-, and -CH<sub>2</sub>-)" are unclear.


For the reasons set forth above, Applicants have cancelled the allegedly indefinite phrases from claims 59 and 75, thereby overcoming the instant rejection. Accordingly, withdrawal of the instant rejection is respectfully requested.

### CONCLUSION

In view of the amendment presented herewith and the foregoing remarks, it is respectfully urged that the objection and rejections set forth in the September 22, 2008 Official Action be withdrawn and that this application be passed to issue.

In the event the Examiner is not persuaded as to the allowability of any claim, and it appears that any outstanding issues may be resolved through a telephone interview, the Examiner is requested to telephone the undersigned at the phone number given below.

Respectfully submitted,  
DANN, DORFMAN, HERRELL AND SKILLMAN  
A Professional Corporation

By   
Robert C. Netter, Jr., Ph.D., J.D.  
PTO Registration No. 56,422

Telephone: (215) 563-4100  
Facsimile: (215) 563-4044